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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 11/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,266

Applicant(s)

ROSE ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office Action is made in response to applicant's papers filed on 01/24/2002. Claims 1-48 are currently pending in the application. An action follows below:

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/24/2002 and 07/23/2002 and respectively entered as papers No. 4 and 5 are considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "at least one gesture in one of the plurality of regions **differently** than the at least one gesture is interpreted in another of the plurality regions", of claims 5 and 34, "parameter" of claims 6 and 35, "a sequence of game control options", of claim 11, "one free floating input" of claims 14 and 41, "one gesture that is pad-to-screen mapped" of claims 15 and 42, "the touch pad is physically divided into a plurality of regions" of claim 22, "a trigger switch" of claim 25, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 10 is objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, "may be" (see line 2)

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should be changed to -- is--, recited in independent claim 14, because the term, “may”, renders the gesture being or being not taught.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2, 6, 7, 10-12, 14, 15, 22, 23, 26, 27, 31, 32, 35, 36, 38, 39, 41 and 42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claims 2 and 32, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the gesture on the touch pad is scaled correspondingly to an appropriate region of the display screen”, as recited in these claims. The disclosure, specifically page 3, lines 3-5, only discloses as much as recited in these claims. However, the disclosure does not contain sufficient information regarding to **how** a gesture is scaled correspondingly to an appropriate region of the display screen, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.. Further, since a gesture is an act and an appropriate region is a place, how a gesture corresponds to a place.

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Regarding to claims 6 and 35, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller is operative to interpret at least one gesture on the touch pad based on at least one parameter programmed by a user of the system”, as recited in these claims. There is no elsewhere, except these claims themselves, to disclose the above underlined feature. In other words, the disclosure does not contain sufficient information regarding to **what** the parameter is and **how** the controller is operative to interpret at least one gesture on the touch pad based on at least one parameter programmed by a user of the system, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 7 and 36, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller is operative to adapt the operation of the touch pad to at least one operator idiosyncrasy”, as recited in these claims. The disclosure, specifically page 3, lines 12-16, discloses the functioning of the touch pad may adapt to operator idiosyncrasies such as left or right handedness, preferred use of thumb, forefinger or stylus, typical force applied, and the like. However, the disclosure does not contain sufficient information regarding to **how** the controller is operative to adapt the operation of the touch pad to at least one operator idiosyncrasy, so as to enable one skilled in the pertinent art to make and/or use the claimed invention. Regarding to claims 4, 5, 33 and 34, as noting at col. 6, lines 26-33 and lines 55-61, col. 8, lines 33-42, and col. 9, lines 1-5, Allport further teaches the touch pad divided into a plurality of graphical icons and/or a plurality of touch screen actuating buttons (i.e., corresponding to the claimed plurality of regions), each button or each icon executing different functions or different programs.

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Regarding to claims 10 and 38, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “at least one gesture associated with at least one game may be taught to the controller by a user of the system”, as recited in these claims. The disclosure, specifically page 11, line 20, only discloses teaching controller one or more desired gestures for each control option. However, the disclosure does not contain sufficient information regarding to **how** at least one gesture associated with at least one game may be taught to the controller by a user of the system, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claim 11, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller is operative to associate a sequence of game control options in at least one game with a gesture on the touch pad”, as recited in this claim. The disclosure, specifically page 11, line 21, only discloses as much as recited in the claim. However, the disclosure does not contain sufficient information regarding to **how** the controller is operative to associate a sequence of game control options in at least one game with a gesture on the touch pad, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 12 and 39, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller is operative to associate at least one gesture with a particular user of the system”, as recited in these claims. There is no elsewhere, except these claims themselves, to disclose the above underlined feature. In other words, the disclosure does not contain sufficient information regarding to **how** the controller is operative to associate at least one gesture with a particular user of the system, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 14 and 41, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the gesture is one of a plurality of gestures comprising at least one free floating input”, as recited in these claims. The disclosure, specifically page 12, lines 4-17, discloses that free floating input may be mapped to corresponding on-screen motion, and a floating object such as a cursor. However, the disclosure does not contain sufficient information regarding to a plurality of gestures comprising at least one free floating input, as recited in these claims, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 15 and 42, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the gesture is one of a plurality of gestures comprising at least one gesture that is pad-to-screen mapped”, as recited in these claims. The disclosure, specifically page 12, lines 18-19, discloses that pad-to-screen mapping maps the area of the touch pad to selectable objects displayed on the screen. However, the disclosure does not contain sufficient information regarding to a gesture that is pad-to-screen mapped, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claim 22, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the touch pad is physically divided into a plurality of regions”, as recited in this claim. There is no elsewhere, except this claim itself, to disclose the above underlined feature. In other words, the disclosure does not contain sufficient information regarding to **how** the controller is operative to associate at least one gesture with a particular user of the system, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 23 and 31, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller determines whether the touch pad signal is for controlling a game or for controlling a home entertainment device based on a signal previously received from the remote control”, as recited in these claims. The disclosure, specifically page 7, lines 29-30, discloses a gesture corresponding to a control function for changing the channel on the television to the previous channel. However, the disclosure does not contain sufficient information regarding to the controller determines whether the touch pad signal is for controlling a game or for controlling a home entertainment device based on a signal previously received from the remote control, and how the controller determines whether the touch pad signal is for controlling a game or for controlling a home entertainment device based on a signal previously received from the remote control, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

Regarding to claims 26 and 27, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the controller moving an object on the display screen to a location on the display screen corresponding to a touched location on the touch pad surface area, for playing at least one on-screen game”, as recited in these claims. The disclosure, specifically page 5, last line through page 6, line 2, only discloses the controller moving an object on the display screen to a location on the display screen corresponding to a touched location on the touch pad. However, the disclosure does not contain sufficient information regarding to the controller moving an object on the display screen, for playing at least one on-screen game, and how the controller moving an object on the display screen, for playing at least

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one on-screen game, so as to enable one skilled in the pertinent art to make and/or use the claimed invention.

7. It is noted Applicant that due to the rejection under 35 USC 112 above, the following art rejections are based as best understood by the examiner.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-6, 8, 9, 15, 23, 24, 28-35, 37 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Goulden et al. (USPN: 5,956,025), hereinafter Goulden.

As per claims 1, 6, 8, 9, 28-30, 35 and 37, Goulden discloses a game and home entertainment device remote control system and an associate method of remotely controlling the game and home entertainment device, the system (see fig. 1) comprising a remote control (a handheld remote device 118) (fig. 1) having a touch pad (a touch screen, col. 3, lines 10-13), a display screen (a display 116, fig. 1) having a display area, and a controller (114, fig. 1). As noting in fig. 3, at col. 3, lines 13-63 and at col. 6, lines 5-11, Goulden further teaches the icons associated with the home entertainment devices, such as a CD player, TV, DVD player, VCR, etc., and games, and the controller operative to receive the touch pad signal caused by a user press (i.e., a gesture) on the icon in order to activate a corresponding program, and to determine

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whether the touch pad signal is for controlling a game or for controlling a home entertainment device, thereby performing a game activity or enabling a home entertainment device control function.

Regarding to claims 2, 15, 24, 32 and 42, as noting in figs. 1 and 4, since the touch screen is placed over the display screen (fig. 2), Goulden implicitly teaches the regions of the display screen mapped to the corresponding regions of the touch screen.

Regarding to claims 4, 5, 33 and 34, as noting in fig. 3, Goulden further teaches the touch pad divided into a plurality of graphical icons and/or a plurality of touch screen actuating buttons (i.e., corresponding to the claimed plurality of regions), each button or each icon executing different functions or different programs.

Regarding to claims 23 and 31, as noting in fig. 3 and by virtue of the operation described at col. 6, lines 5-11, Goulden further teaches the controller enabling the touch pad for controlling a game or a home entertainment device based on a signal previously received from the remote control.

10. Claims 1, 2, 4-6, 8, 9, 15, 23, 24, 28-35, 37 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport (USPN: 6,097,441).

As per claims 1, 6, 8, 9, 28-30, 35 and 37, Allport discloses a game and home entertainment device remote control system and an associate method of remotely controlling the game and home entertainment device, the system (see fig. 1) comprising a remote control (10) (fig. 1) having a touch pad (a touch screen 375, fig. 4, col. 6, line 18), a display screen (a LCD display 380, fig. 4) having a display area, and a controller (all elements shown in fig. 4 except a touch screen 375 and a LCD 380). As noting at col. 7, lines 11-35, col. 8, lines 33-61 and col. 10,

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lines 40-42, Allport further teaches the icons associated with the home entertainment devices, such as a CD player, TV, DVD player, VCR, etc., and games, and the controller operative to receive the touch pad signal caused by a user press (i.e., a gesture) on the icon in order to activate a corresponding program, and to determine whether the touch pad signal is for controlling a game or for controlling a home entertainment device, thereby performing a game activity or enabling a home entertainment device control function. Further see col. 6, lines 21-64, and col. 8, lines 13-16.

Regarding to claims 2, 15, 24, 32 and 42, as noting in figs. 1 and 4, since the touch screen (375) is placed over the display screen (380), Allport implicitly teaches the regions of the display screen (380) mapped to the corresponding regions of the touch screen (375).

Regarding to claims 4, 5, 33 and 34, as noting at col. 6, lines 26-33 and lines 55-61, col. 8, lines 33-42, and col. 9, lines 1-5, Allport further teaches the touch pad divided into a plurality of graphical icons and/or a plurality of touch screen actuating buttons (i.e., corresponding to the claimed plurality of regions), each button or each icon executing different functions or different programs.

Regarding to claims 23 and 31, by virtue of the operation described at col. 8, lines 52-61, Goulden further teaches the controller enabling the touch pad for controlling a game or a home entertainment device based on a signal previously received from the remote control.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 7, 10-14, 17, 21, 26, 27, 36, 38-41, 44 and 48 are rejected under 35

U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Yoshida et al. (USPN: 5,502,803), hereinafter Yoshida.

Regarding to claims 3, 14 and 41 as applied to claims 1 and 29 above, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly that the display screen displays a moveable object and the controller is operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad (claim 3) and the gesture comprises one free floating input (claims 14 and 41).

However, Yoshida teaches a touch pad (a tablet device 16, fig. 3) provided on the display screen (a display device 13, fig. 3), so that by pressing (i.e., a gesture) a location on the touch pad, the display screen displays a moveable object (a cursor pointer 17) at the touched location (i.e., a gesture comprising a free floating input), and the controller (the controller including a CPU 14, a gesture table 18, a position coordinate table 19 and a program memory 20, see fig. 2) is operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad (fig. 3 and col. 8, lines 58-67). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad, in view of the teaching in the Yoshida reference, because this would allow the user quickly to relocate the moveable object without dragging. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Goulden to obtain the invention defined in claims above.

Regarding to claims 26 and 27, since a combination of claims 2 and 3 includes all the limitations of claims 26 and 27, claims 26 and 27 are therefore rejected for the same reason as set forth in claims 2 and 3 above.

Regarding to claims 7, 10-13, 17, 21, 36, 38-40, 44 and 48, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly at least one gesture associated with at least one game being taught to the controller by a user (claims 10 and 38), and the controller operative to adapt the operation of the touch pad to at least one operator idiosyncrasy (claims 7 and 36), and to associate a sequence of game control options in at least one game with a gesture on the touch pad (claim 11), at least one gesture with a particular user of the system (claims 12 and 39), the gesture comprising one simple linear movement gesture (claims 13 and 40), one rotational control gesture (claims 17 and 44), or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements (claims 21 and 48). However, as noting in figs. 7, 15 and 21A-21C, col. 15, line 60 through col. 16, line 33, Yoshida teaches that the controller is operative to associate at least one gesture with a particular user of the system, the gesture comprising one simple linear movement gesture, one rotational control gesture, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements, and the controller allows user to edit a desired gesture associating with desired functions. It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller to also provide the user capable of editing gesture with an associate function, because this would allow the use easily to call the desired functions associated with the desired convenient gestures, as taught by Yoshida (see abstract). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Goulden to obtain the invention defined in claims above.

13. Claims 20 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Lee et al. (USPN: 5,545,857), hereinafter Lee.

Regarding to claims 20 and 47, as discussed above, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly at least one gesture comprising an alphanumeric character entry gesture.

However, Lee teaches the controller operative to interpret at least one alphanumeric character entry gesture on the touch pad (see figs. 5A-5B, col. 5, lines 1-2). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller to also operatively interpret at least one alphanumeric character entry gesture on the touch pad, in view of the teaching in the Lee reference, because this would allow the use a simple and easy remote control operations, as taught by Lee (col. 1, lines 30-39).

14. Claims 16, 18, 19, 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Gillespie et al. (USPN: 5,880,411), hereinafter Gillespie.

Regarding to these claims, as discussed above, Goulden discloses all the claimed limitations except that the controller is operative to associate at least one pressure sensitive gesture (claims 16 and 43), one velocity control gesture (claims 18 and 45), or one acceleration control gesture (claims 19 and 46). However, Gillespie teaches that the controller is operative to associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture (figs. 15A-15G, abstract, col. 23, line 25, col. 26, lines 61-65, col. 42, lines 27-

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29). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller to also operatively associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture, in view of the teaching in the Gillespie reference, because this would allow the use easily to call the desired functions associated with the desired convenient gestures with compensation for unintended motion of the finger or other object during operating the touch pad, as taught by Gillespie (col. 7, lines 10-16).

15. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Martinelli et al. (USPN: 5,943,044), hereinafter Martinelli.

Regarding to claim 22 as applied to claim 1 above, as discussed above, Goulden teaches that the touch pad is logically divided into a plurality of regions. Goulden does not disclose expressly that the touch pad is physically divided into a plurality of regions. Accordingly, Goulden discloses all the claimed limitations except that the touch pad is physically divided into a plurality of regions. However, Martinelli teaches that the touch pad (12) is physically divided into a plurality of regions (28, 30, 32) (see figs. 1 and 12, col. 7, lines 52-53, col. 8, lines 6-35, col. 14, lines 17-31). It would have been obvious to one skilled in the art at the time of the invention was made to physically divide the Goulden touch pad into a plurality of regions, in view of the teaching in the Marinelli reference, because this would allow the use easily to view and to access separate control regions linked to separate functions at the same time, as taught by Martinelli (col. 5, lines 10-12).

16. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Ishigaki (USPN: 6,072,470).

Regarding to claim 25 as applied to claim 1 above, as discussed above, Goulden discloses

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all the claimed limitations except that Goulden does not disclose expressly that the remote control comprising a trigger switch. However, Ishigaki teaches the remote control (14) comprising a trigger switch (click key 132), see figure 5E, column 9, line 20. It would have been obvious to one skilled in the art at the time of the invention was made to provide Ishigaki's trigger switch in the remote control of Goulden because this would allow the use easily to operate the remote control in a natural way, as taught by Ishigaki (col. 10, lines 1-8).

17. Claims 3, 7, 10-14, 17, 21, 26, 27, 36, 38-41, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Yoshida et al. (USPN: 5,502,803), hereinafter Yoshida.

Regarding to claims 3, 14 and 41 as applied to claims 1 and 29 above, Allport discloses all the claimed limitations except that Allport does not disclose expressly that the display screen displays a moveable object and the controller is operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad (claim 3) and the gesture comprises one free floating input (claims 14 and 41).

However, Yoshida teaches a touch pad (a tablet device 16, fig. 3) provided on the display screen (a display device 13, fig. 3), so that by pressing (i.e., a gesture) a location on the touch pad, the display screen displays a moveable object (a cursor pointer 17) at the touched location (i.e., a gesture comprising a free floating input), and the controller (the controller including a CPU 14, a gesture table 18, a position coordinate table 19 and a program memory 20, see fig. 2) is operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad (fig. 3 and col. 8, lines 58-67). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller

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operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad, in view of the teaching in the Yoshida reference, because this would allow the user quickly to relocate the moveable object without dragging. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Allport to obtain the invention defined in claims above.

Regarding to claims 26 and 27, since a combination of claims 2 and 3 includes all the limitations of claims 26 and 27, claims 26 and 27 are therefore rejected for the same reason as set forth in claims 2 and 3 above.

Regarding to claims 7, 10-13, 17, 21, 36, 38-40, 44 and 48, Allport discloses all the claimed limitations except that Allport does not disclose expressly at least one gesture associated with at least one game being taught to the controller by a user (claims 10 and 38), and the controller operative to adapt the operation of the touch pad to at least one operator idiosyncrasy (claims 7 and 36), and to associate a sequence of game control options in at least one game with a gesture on the touch pad (claim 11), at least one gesture with a particular user of the system (claims 12 and 39), the gesture comprising one simple linear movement gesture (claims 13 and 40), one rotational control gesture (claims 17 and 44), or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements (claims 21 and 48). However, as noting in figs. 7, 15 and 21A-21C, col. 15, line 60 through col. 16, line 33, Yoshida teaches that the controller is operative to associate at least one gesture with a particular user of the system, the gesture comprising one simple linear movement gesture, one rotational control gesture, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements, and the controller

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allows user to edit a desired gesture associating with desired functions. It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller to also provide the user capable of editing gesture with an associate function, because this would allow the use easily to call the desired functions associated with the desired convenient gestures, as taught by Yoshida (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Allport to obtain the invention defined in claims above.

18. Claims 20 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Lee et al. (USPN: 5,545,857), hereinafter Lee.

Regarding to claims 20 and 47, as discussed above, Allport discloses all the claimed limitations except that Allport does not disclose expressly at least one gesture comprising an alphanumeric character entry gesture.

However, Lee teaches the controller operative to interpret at least one alphanumeric character entry gesture on the touch pad (see figs. 5A-5B, col. 5, lines 1-2). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller to also operatively interpret at least one alphanumeric character entry gesture on the touch pad, in view of the teaching in the Lee reference, because this would allow the use a simple and easy remote control operations, as taught by Lee (col. 1, lines 30-39).

19. Claims 16, 18, 19, 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Gillespie et al. (USPN: 5,880,411), hereinafter Gillespie.

Regarding to these claims, as discussed above, Allport discloses all the claimed

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limitations except that the controller is operative to associate at least one pressure sensitive gesture (claims 16 and 43), one velocity control gesture (claims 18 and 45), or one acceleration control gesture (claims 19 and 46). However, Gillespie teaches that the controller is operative to associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture (figs. 15A-15G, abstract, col. 23, line 25, col. 26, lines 61-65, col. 42, lines 27-29). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller to also operatively associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture, in view of the teaching in the Gillespie reference, because this would allow the use easily to call the desired functions associated with the desired convenient gestures with compensation for unintended motion of the finger or other object during operating the touch pad, as taught by Gillespie (col. 7, lines 10-16).

20. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Martinelli et al. (USPN: 5,943,044), hereinafter Martinelli.

Regarding to claim 22 as applied to claim 1 above, as discussed above, Allport teaches that the touch pad is logically divided into a plurality of regions. Allport does not disclose expressly that the touch pad is physically divided into a plurality of regions. Accordingly, Allport discloses all the claimed limitations except that the touch pad is physically divided into a plurality of regions. However, Martinelli teaches that the touch pad (12) is physically divided into a plurality of regions (28, 30, 32) (see figs. 1 and 12, col. 7, lines 52-53, col. 8, lines 6-35, col. 14, lines 17-31). It would have been obvious to one skilled in the art at the time of the invention was made to physically divide the Allport touch pad into a plurality of regions, in view of the teaching in the Marinelli reference, because this would allow the use easily to view and to

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access separate control regions linked to separate functions at the same time, as taught by Martinelli (col. 5, lines 10-12).

21. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Ishigaki (USPN: 6,072,470).

Regarding to claim 25 as applied to claim 1 above, as discussed above, Allport discloses all the claimed limitations except that Allport does not disclose expressly that the remote control comprising a trigger switch. However, Ishigaki teaches the remote control (14) comprising a trigger switch (click key 132), see figure 5E, column 9, line 20. It would have been obvious to one skilled in the art at the time of the invention was made to provide Ishigaki's trigger switch in the remote control of Allport because this would allow the use easily to operate the remote control in a natural way, as taught by Ishigaki (col. 10, lines 1-8).

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
November 6, 2003

A handwritten signature in black ink, appearing to read 'Jimmy H. Nguyen', with a horizontal line extending from the end of the signature.

Jimmy H. Nguyen
Examiner
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